IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH NAGPUR

Second Appeal No.473/2006

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Office Notes, Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. : Court's or Judge's orders

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**CORAM : A.P. Lavande, J.**
**Dated : 18th September 2006**

Heard Mr. Hussain, learned counsel for the appellants.

This second appeal is preferred against judgment and decree dated 18.10.2005 passed by First Adhoc Additional District Judge, Achalpur in Regular Civil Appeal No.38/1997 dismissing the appeal filed by the appellant-plaintiff against judgment and decree dated 28.2.1997 passed by Second joint Civil Judge, Junior Division, Achalpur in Regular Civil Suit No. 166/1988 thereby dismissing the suit filed by the plaintiff for possession.

The plaintiff filed the above suit for possession of the suit house. After appreciation of the evidence led by both parties, the trial Court held that the plaintiff had not proved his

title to the suit house. The lower appellate Court concurred with the finding given by the trial Court relying upon certain statements made by the appellant in the memo of appeal. The finding given by the trial Court that the plaintiff had not proved his title to the suit house which has been confirmed by the lower appellate court cannot be said to be perverse warranting interference in second appeal. Upon perusal of the impugned judgments and having considered the submissions made by the learned counsel for the appellants, I do not find any perversity in the finding given by the trial Court which has been confirmed by the lower appellate Court. In any event, no substantial question of law is involved in the present appeal. Hence, the present appeal is summarily rejected with no order as to costs.

JUDGE

A.